

**ZONING COMMITTEE
MINUTES
MARCH 28, 2012**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, March 28, 2012** in Committee Room #2, at 9:42 a.m.

The following members were present:

The Honorable Alex Wan, Chair
The Honorable Ivory Lee Young, Jr.
The Honorable Carla Smith
The Honorable Howard Shook

The following members were absent:

The Honorable Keisha Lance Bottoms, Vice Chair
The Honorable Aaron Watson
The Honorable H. Lamar Willis

Others present at the meeting were: Director Charletta Wilson-Jacks, Department of Planning and Community Development; City Attorney Jeffery Haymore, Law Department and members of the public and Council staff.

A. ADOPTION OF AGENDA - ADOPTED

B. APPROVAL OF MINUTES - APPROVED

CONSENT AGENDA

C. ORDINANCES FOR FIRST READING

12-O-0384 (1)
Z-12-04

An Ordinance by Zoning Committee to rezone from the R-5/HD20K (Two-Family Residential/Grant Park Historic) Districts to the SPI-22/HD20K (Special Public Interest/Grant Park Historic) Districts, property located at **313 and 317 Cherokee Avenue, SE**, fronting approximately 83 feet on the west side of Cherokee Avenue beginning 112.50 feet from the northwest corner of Woodward Avenue.

Depth: Varies
 Area: Approximately 0.153 Acre
 Land Lot: 44, 14th District, Fulton County, Georgia
 Owner: James R. Claxton
 Applicant: Allen Hoss

NPU-W Council District 1

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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C. ORDINANCES FOR FIRST READING (CONT'D)

Z-12-05

NPU-B **Council District 7**

Z-12-06

NPU-B **Council District 7**

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

- 12-O-0387 (4)
U-12-03
- An Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16-11.005(l)(b) for a mortuary located at **2891 Lakewood Avenue, SE**, on property known as the Lakewood Shopping Center and is more specifically located near the intersection of Fleet Street and Lakewood Avenue. The overall property (Lakewood Shopping Center) is approximately 998 feet on the north side of Lakewood Avenue, approximately 450 feet on the east side of Fleet Street and approximately 1,189 feet on the west side of Metropolitan Parkway.
- Depth: Varies
Area: 26.52 Acres (Shopping Center)
Land Lot: 103, 14th District, Fulton County, Georgia
Owner: Metropolitan Parkway, LLC, CXR., LLC and Footprint Group V, LLC
Applicant: Bianca Smith
- NPU-Z Council District 12**

FAVORABLE – TO BE REFERRED TO ZRB AND ZONING COMMITTEE

- 12-O-0388 (5)
U-12-04
- An Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16-17.005(l)(c) for a recycling facility, property located at **1551 Perry Boulevard, NW**, fronting approximately 975.69 feet on the north side of Perry Boulevard beginning 88.29 feet from the northwestern corner of Perry Boulevard and Marietta Road.
- Depth: Varies
Area: Approximately 5.07 Acres
Land Lot: 224, 17th District, Fulton County, Georgia
Owner: Hudgens and Company, Inc.
Applicant: Rand Recycling, Inc. c/o Battle Law P.C.
- NPU-G Council District 9**

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

12-O-0389 (6) An Ordinance by Zoning Committee to amend Special Use
U-12-06/U-07/21 Permits U-07-21 (Ordinance 07-O-1540), U-97-22
/U-93-22 (Ordinance 98-O-0081) and U-93-22 (Ordinance 93-O-0934)
which granted permission for a Private School pursuant to
Sections 16-04.005 (1)(l) and 16-05.005(1)(l) for the purposes of a
Site Plan Amendment for property located at **966 West Paces
Ferry Road, NW**. Property fronts approximately 1,403 feet on the
south side of West Paces Ferry Road at the southeast intersection
of West Paces Ferry Road and Rilman Road.
Depth: Varies
Area: Approximately 30.7 Acres
Land Lots: 158,181 and 182, 17th District, Fulton County,
Georgia
Owner: Pace Academy
Applicant: Chuck Palmer
NPU-A Council District 8

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

12-O-0466 (7) An Ordinance by Zoning Committee to rezone from the RG-3
Z-12-10/Z-09-27 Residential General-Sector 3) District to the MR-5A (Multifamily
Residential) District and RG-3 (Residential General-Sector 3-
Conditional) District, property located at **240 Colonial Homes
Drive, NW**, fronting approximately 875 feet on the north and
south side of Colonial Homes Drive beginning approximately 680
feet from the west corner of Peachtree Road.
Depth: Varies
Area: Approximately 20.76 Acres
Land Lots: 110 and 111, 17th District, Fulton County,
Georgia
Owner: Pope and Land Enterprises, Inc.
Applicant: Pope and Land Enterprises, Inc.
NPU-C Council District 8
REMANDED BY SUPERIOR COURT OF FULTON COUNTY, GA

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

D. ZRB SUMMARY REPORT

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E. ORDINANCES FOR SECOND READING

- 12-O-0453 (1) An Ordinance by Councilmember Alex Wan to zone property located at **1206 McLynn Avenue** to the R-4 (Single-Family Residential) Zoning District; and for other purposes. **(Held 3/28/12)**

HELD FOR ZRB

- 12-O-0464 (2) An Ordinance by Councilmember Natalyn Archibong authorizing the installation of public art (a sculpture entitled "The Laborer") at the northeast corner of Decatur and Bell Street, adjacent to 322 Decatur Street, Atlanta, Ga. 30312, as pursuant to Code Section 16-28.025 of the 1982 Zoning Ordinance of the City of Atlanta; and for other purposes.

Councilmember Smith made a motion to approve. The vote was unanimous.

FAVORABLE

F. PAPERS HELD IN COMMITTEE

- 10-O-0013 (1) An Ordinance by Councilmember Aaron Watson **as**
Z-07-113 **substituted and amended by Zoning Committee** to rezone from the I-1-C (Light Industrial-Conditional) District to the MRC-3 (Mixed Residential Commercial) District, property located at **430 and 460 Englewood Avenue, SE**, fronting approximately 678 feet on the north side of Englewood Avenue beginning approximately 132 feet from the northeast corner of Mailing Avenue. **(Substituted as amended and held 1/13/10 at the request of the District Councilmember)**

Depth: Approximately 1,010 Feet
Area: Approximately 10.32 Acres
Land Lot: 42, 14th District, Fulton County, Georgia
Owner: JWGST LLC/Joseph Wiles
Applicant: Jason Fritz
NPU-Y

Council District 1

HELD

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F. PAPERS HELD IN COMMITTEE (CONT'D)

- 11-O-0824 (2) An Ordinance by Zoning Committee to amend Section 6-4028 and to create Section 6-4028.1 of the Land Development Code, Part III of the Code of Ordinances, so as to change the Deferral Fee for Variance and Special Exception Applications before the Board of Zoning Adjustment to a flat fee for each instance that the Board grants an applicant's request for deferral to a subsequent public hearing on the application; and for other purposes. **(Held 6/15/11) (To be Advertised for a Public Hearing)**

HELD

- 10-O-0041 (3)
Z-09-42 An Ordinance by Councilmember Aaron Watson **as substituted by Zoning Committee** to rezone certain properties within the Campbellton Road Corridor in NPU-R from the R-LC (Residential-Limited Commercial), RG-2 (Residential General), RG-2-C (Residential General-Conditional), RG-3 (Residential General), C-1 (Community Business), C-1-C (Community Business-Conditional), C-2-C (Commercial Service-Conditional), Districts to the MR-2-C (Multi-Family Residential-Conditional), MR-3-C (Multi-Family Residential-Conditional), MR-4A-C (Multi-Family Residential-Conditional), MRC-1-C (Mixed Residential Commercial-Conditional), MRC-2-C (Mixed Residential Commercial-Conditional), and MRC-3-C (Mixed Residential Commercial-Conditional) Districts; and for other purposes. **(Held 1/11/12)**

Councilmember Smith made a motion to approve on substitute. The vote was unanimous.

FAVORABLE ON SUBSTITUTE

- 11-O-0692 (4)
U-11-16 An **Amended** Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16-28.023 (2)(c)(3) and Section 16-28.027 (3)(c) of the City of Atlanta Zoning Ordinance for a Transfer of Excess Development Rights. Said use is granted to Atlanta BeltLine, Inc. (Recipient Parcel) its successors, assigns and all subsequent owners

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F. PAPERS HELD IN COMMITTEE (CONT'D)

and are to be transferred from the **544 North Angier Avenue, NE** (Donor Parcel). **(Referred back by Full Council 7/18/11) (Held 7/27/11)**

HELD

11-O-0693 (5)
U-11-17 An **Amended** Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16-28.023(2)(c)(3) and Section 16-28.027 (3)(c) of the City of Atlanta Zoning Ordinance for a Transfer of Excess Development Rights. Said use is granted to Atlanta BeltLine, Inc. (Recipient Parcel) its successors, assigns and all subsequent owners and are to be transferred from **641 (C 665) North Avenue, NE** (Perlman Tract) (Donor Parcel). **(Referred back by Full Council 7/18/11) (Held 7/27/11)**

HELD

11-O-0857 (6)
U-11-18 An **Amended** Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16-28.023 (2)(c)(3) and Section 16-28.027 (3)(c) of the City of Atlanta Zoning Ordinance for a Transfer of Excess Development Rights. Said use is granted to Atlanta BeltLine, Inc., (Recipient Parcel) its successors, assigns and all subsequent owners and are to be transferred from the 690 Morgan Street, NE. (a.k.a. 0 North Avenue Tax Parcel Identification 14-0018-0001-026-5), (Donor Parcel). **(Referred back by Full Council 7/18/11) (Held 7/27/11)**

HELD

11-O-1783 (7)
Z-11-33 An **Amended** Ordinance by Zoning Committee to rezone from the I-1 (Light Industrial) District to the MR-5A (Multi-Family Residential) District, properties located at **568, 580 and 600 Somerset Terrace, NE**, fronting approximately 364.5 feet on the south side of North Avenue and at the northeast intersection of Somerset Terrace and North Avenue. Property also fronts approximately 98 feet on the north side of Angier Springs

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F. PAPERS HELD IN COMMITTEE (CONT'D)

Road and is bordered on its western boundary by the Norfolk Southern Railway. **(Held 2/1/12)**

Depth: Varies

Area: 2.71 Acres

Land Lot: 18, 14th District, Fulton County, Georgia

Owner: Robert S. Bridges, TSO Eastbelt, LLC and DHC Investments, LLC

Applicant: Perennial Properties by Aaron Goldman

NPU-N

Council District 2

Councilmember Smith made a motion to approve as amended. The vote was unanimous.

FAVORABLE AS AMENDED

- 12-R-0229 (8) A Resolution by Zoning Committee authorizing the creation of the SPI-12 Buckhead/Lenox Stations District Development Review Committee; and for other purposes. **(Held 2/15/2012)**

HELD

- 11-O-1686 (9)
U-11-42

An Ordinance by Zoning Committee to grant a Special Use Permit pursuant to Section 16-06.005(l)(b) for a Daycare Center, property located at **260 West Lake Avenue, NW**, approximately 132 feet on the west side of West Lake Avenue and approximately 373 feet northwesterly of the intersection of Ezra Church and West Lake Avenue. **(Adverse by Zoning Committee 2/29/12) (Referred back by Council 3/5/12) (Held 3/14/12)**

Depth: Varies

Area: Approximately 0.489 Acre

Land Lot: 147, 14th District, Fulton County, Georgia

Owner: GBG Management Company

Applicant: Lashana T. Glasper

NPU-J

Council District 3

HELD

SUMMARY REPORT
March 28, 2012

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM	NPU RECOMM	ZRB RECOMM
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FAVORABLE

11-O-1781	Z-11-31	1970 Hills Avenue (a.k.a. Collier Road, NW) D-9	I-1 to LW	Approval	Approval	Approval
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Councilmember Smith made a motion to approve. The vote was unanimous.

FILE

11-O-1066	Z-11-18	Text Amendment for SPI-15 B-7	Text Amendment	File	Deferral	File
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Councilmember Shook made a motion to file. The vote was unanimous.

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LINK TO ZRB PENDING LEGISLATION

<http://citycouncil.atlantaga.gov/2011/pendingzrb.htm>

There being no further business to come before the Zoning Committee the meeting was adjourned at 9:47 a.m.


Respectfully submitted:



Angela H. Campbell, Legislative Assistant



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Alex Wan, Chair